
Appeal Decisions

Site visit made on 31 January 2025

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal A Ref: APP/G2625/W/24/3348417

Pavement outside 14 Haymarket, Norwich NR2 1QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Herraghty of JCDecaux against the decision of Norwich City Council.
 - The application Ref 24/00324/F, dated 15 March 2024, was refused by notice dated 23 May 2024.
 - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: APP/G2625/H/24/3348418

Pavement outside 14 Haymarket, Norwich NR2 1QJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Stephen Herraghty of JCDecaux against the decision of Norwich City Council.
 - The application Ref 24/00325/A dated 15 March 2024, was refused by notice dated 23 May 2024.
 - The proposed advertisement is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The same description is used for both appeals, taken from the respective application and consent forms. For the avoidance of doubt, the proposed hub structure is the subject of the S78 planning appeal (Appeal A). The proposed illuminated digital LCD display screen on the structure is the subject of the separate advertisement appeal (Appeal B). Appeal B would be an integral part of the proposal for Appeal A. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with two proposals together, except where otherwise indicated.

Main Issues

3. For both Appeals A and B a main issue is the effect of the hub and advertisement on the character and appearance of the City Centre Conservation Area and the setting of listed and locally listed buildings. For Appeal A, an additional main issue is the effect on highway safety, with particular regard to pedestrian movements.

Heritage

4. The appeal proposals are located in the City Centre Conservation Area (the CCCA) at point where Haymarket, Brigg Street and Orford Place converge. The CCCA is a widely drawn area which encompasses the historic core of the city including of relevance at the appeal location elements that reveal the medieval and mercantile history of this part of the city. This includes the historic street layout opening out into area of the Haymarket and Hay Hill and its relationship to the imposing Grade I listed Church of St Peter Mancroft. This is the heritage significance of relevance to this part of the CCCA.
5. The heritage significance of the Grade I Listed Church of St Peter Mancroft is the scale, architectural quality and detailing, intended to exert influence and prominence as a building of high status in the medieval period, reflecting Norwich's standing as centre of population and trade. In various perspectives containing the appeal proposal, the Grade I listed Church of St Peter Mancroft forms a significant backdrop, including from within Brigg Street and Orford Place. Similarly, the appeal proposal would be visible from outside the slightly elevated position of the church when looking south-east across the open area of Hay Hill into Haymarket. The appeal proposal, by virtue of its scale and height and the luminosity of the large 86 inch digital screen for advertisements would clearly be experienced within the setting of this striking listed building.
6. The immediate historic context is further reinforced by the array of listed and locally listed buildings Haymarket, Brigg Street and Orford Place. This includes the Grade II listed buildings at 2-4 Brigg Street and 14 Haymarket and locally listed buildings at 1 Orford Place and 11 Haymarket. The heritage significance of these buildings is generally their architectural quality as examples of either original medieval buildings, later remodelled in the eighteenth or nineteenth Century or in the case of the locally listed buildings interesting examples of turn of the Nineteenth – Twentieth century commercial city centre buildings. All of these buildings are arranged and intended to be experienced within the Haymarket area. As such the width of the street and its openness at the appeal location better reveals these buildings, making a positive contribution to the significance of these assets.
7. The Haymarket now forms part of the mainly pedestrianised street network in this part of the city centre. Whilst there is some street furniture and signage in the immediate vicinity of the appeal proposal, this is largely low-key and modest in scale. As such here remains a predominant sense of openness which allows pedestrians, as they move slowly through this area, to appreciate the historic layout and the unfettered openness of the Haymarket into the attractive central Hay Hill open area with the Grade I listed church beyond. The appeal proposals would be situated at a prominent point within the Haymarket. Whilst there are bins, a post box and railings nearby, these would do little to assimilate the appeal proposal into what is otherwise an open street area. Maturing street trees are some distance from the proposed hub, further accentuating the somewhat exposed location.
8. The proposed hub would be a significant structure at 2.63 metres in height and 1.33metres in width. Due to its depth and elements such as a protective cover for the phone element, it would be a bulky and prominent feature. Furthermore, in views from the south-east, the large digital display would be highly conspicuous. Whilst there are numerous illuminated retail frontages in

this part of the CCCA they do not interrupt or diminish the sense of the historic street pattern and the openness as the Haymarket broadens out into Hay Hill. Overall, the scale and position of the proposed hub and advertisement would harmfully erode the historic sense of openness in the Haymarket and the ability to appreciate the arrangement of buildings around it. In starkly interrupting the openness within the Haymarket, the proposed scale of the hub and the luminousness of the advertisement would be discordant features, physically and visually interfering with how these heritage assets are experienced.

9. The appellant refers to the appeal proposal being within the St Stephens Character Area of the CCCA where other digital advertisements exist (for example on the side of bus shelters in St Stephens Street). The appeal location has no visual relationship to the more modern commercial character of St Stephens Street. The appeal location contains specific characteristics which, in my assessment above, make the proposed position of the hub more sensitive in heritage terms.
10. I therefore conclude that the appeal proposals would fail to conserve or enhance the character or appearance of the CCCA. They would also fail to preserve or enhance the setting of the Grade I Listed Church of St Peter Mancroft and other Grade II Listed and locally listed heritage assets in the immediate vicinity of the proposed hub and advertisement. Accordingly, the proposal would be contrary to Policy DM9 of the 2014 Norwich Local Plan Development Management Policies Plan (the DMPP). This policy requires all development to have regard to the historic environment and take account of the contribution heritage assets make to the character of an area and its sense of place.
11. In relation to Appeals A and B, the harm identified to the heritage significance of the CCCA and the listed and locally listed buildings would be less than substantial. I deal with what this means in term of national planning policy in the final balance below. In overall, character and design terms, the proposed hub would be contrary to NPPF paragraph 135 which requires developments to function well and add to the overall quality of the area, and be sympathetic to local character and history, including the surrounding built environment. In relation to Appeal B, the proposed advertisement would invoke NPPF paragraph 141 which cautions that the quality and character of places can suffer when advertisements are poorly sited.

Highway Safety

12. The hub would be positioned within public highway which during main trading hours (10am-4pm) is a pedestrian and cycle zone only. Whilst my observations during a weekday afternoon can only provide a snapshot, they nonetheless accord with the evidence of the Local Highway Authority (LHA) that this is an area of high pedestrian footfall in the core of the city centre.
13. The pedestrian environment as Brigg Street and Orford Place merge into Haymarket is narrowed by outside pavement seating associated with a food outlet use at No.11 Haymarket. This has the effect of channelling pedestrians more into the path of the position of the proposed Hub. Moreover, only a short distance to the north of the proposed hub, the pavement level splits such that there are steps up into Hay Hill. This limits the extent of the flat pavement for pedestrians in this area. Accordingly, there would be a notable obstructive impact of the proposed hub on the ability of pedestrians to move freely and

safety through this core part of the mainly pedestrianised area. I have particular concern for less able pedestrians and those in wheelchairs or other mobility devices, who would not be able to pass freely to west of the proposed hub without negotiating a relatively narrow and potentially very busy gap of flat pavement between the hub, other obstructions including the street bins, and the point at which the levels split for the Hay Hill steps.

14. The highway at the appeal location is accessible for refuse and service vehicles loading and unloading outside of peak trading hours but nonetheless vehicles can be encountered in this area before 10am and after 4pm. As such there are overlapping periods when vehicles and appreciable levels of footfall could coincide. At all times, the highway is open to those on cycles, who could be potentially moving at speed. As such there is a need to maintain good visibility in all directions. The shared carriageway for service vehicles passes immediately to the east of the proposed hub.
15. The LHA advise that the carriageway which would allow for the two-way movement of such vehicles, albeit with care. The highway environment is well lit, and vehicles are subject to a 20mph speed limit. Nonetheless, the proposed position of the hub at point where the highway from Brigg Street curves into Haymarket means it would significantly obscure visibility in both directions. The position and scale of the proposed hub close to the kerb edge means there is a real prospect of pedestrians being concealed from oncoming vehicles and cyclists. I find this would provide for an inherently unsafe highway situation for pedestrians in what is intended to be a pedestrian priority environment.
16. Overall, the scale and position of the proposed hub would harmfully affect the ability for pedestrians to move freely and safely in the public highway. The proposal would be contrary to Policy DM30 of the DMPP which requires development within streets that form part of the public realm to ensure adequate clearance around the structure to allow for the safe passage of pedestrians and other users. The proposal would also conflict with NPPF paragraph 117c) which states that development proposals should create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles and avoid unnecessary street clutter.

Balance and Conclusion

17. As set out above, on the main issues, the appeal proposals would be contrary to the development plan. The starting point is that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan policies in this appeal are consistent with national planning policy and so substantial weight must be given to the harms and policy conflicts identified.
18. Furthermore, the proposals would result in less than substantial harm to the character and appearance of the CCCA and to the setting of various listed and locally listed heritage assets, including the Grade I Church of St Peter Mancroft. The NPPF at paragraph 212 states that great weight should be given to the asset's conservation, with the more important the asset, the greater the weight. This is irrespective of what the potential harm amounts to, including less than substantial harm. NPPF paragraph 213 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 215 of the NPPF in relation to less than substantial

harm says the harm should be weighed against the public benefits of the proposal.

19. There would be a public benefit in providing an accessible defibrillator, which has the support of the Community Heartbeat Trust charity. I attach significant weight to this social benefit, which may have life-saving consequences. The hub would also provide a telephone, wi-fi and USB connectivity, charging facilities, a touchscreen for wayfinding and accessing local webpages and CCTV abilities. I note the aims of the Norwich Customer Experience and Digital Strategy (2021-24) but in a vibrant city centre with various other wayfinding signage and multiple opportunities to charge devices, make phone calls and access information, I give limited weight to the social and economic benefits of these aspects of the appeal proposal. Cumulatively, these benefits would not be of sufficient weight amount to material considerations that outweigh the identified conflict with the development plan.
20. Nor would they amount to public benefits that would outweigh the identified harm to heritage assets, which the NPPF at paragraph 202 states are an irreplaceable resource which should be conserved in a manner appropriate to their significance, so they can be enjoyed by existing and future generations.
21. I have had regard to all other matters raised but there is nothing that leads me to conclude other than the appeals be dismissed for the reasons given.

David Spencer

Inspector.